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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,566	09/08/2003	Michael Gauselmann	ATR-A-125	3422

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EXAMINER	
HARPER, TRAMAR YONG	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,566	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	Tramar Harper	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment filed on 12/07/06. The arguments set forth in the response are addressed herein below. Claims 1-20 & 22-26 are pending, Claims 1-2 & 22-23 have been amended, and Claims 21 & 27 have been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent Claim 1 states that all possible award values are shown prior to randomly being selected. Examiner interprets a multiplier to be a type of award value; therefore the multiplier cannot be hidden or player selectable considering that the computer randomly selects the awards. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 & 22-25 rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al (US 6,585,591).

Claims 1-5 & 22-25: Baerlocher discloses a gaming device that comprises of a base game displayed on the central display that comprises of an array of symbols in columns and rows, wherein upon a triggering event (arrangement/combination of indicia on a display) the central display device converts base game into an bonus game comprising of an array (columns/rows) of award values/credits (Col. 5:50-Col. 6:3, Col. 6:59-Col. 7:9). The processor upon the player pressing the start button or some other triggering bonus game randomly selects a value at an intersection of a row and column of symbol positions (Col. 7:50-57). The player accumulates the randomly selected awards until the processor randomly selects an already selected award and the bonus game ends (processor doesn't select all the awards)(Col. 8:42-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-7, 14-17, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (US 6,585,591) in view of Adams (US 5,823,874).

Claims 6-7, 14-17, 26: Baerlocher discloses all of the above limitation of Claim 1, but excludes multiplying a bonus value by randomly selecting multipliers. Multipliers are well known in the art. Baerlocher discloses that to increase player enjoyment and excitement, it is desirable to provide players with gaming devices having new bonus schemes (Col. 2:6-10). Adams discloses a bonus game that has a multiplier, in which the processor randomly selects a multiplier to multiply the bonus award (Col. 5:5-20). It would have obvious to one of ordinary skill the art to modify the bonus scheme of Baerlocher with the multiplier of Adams, to provide a new bonus scheme. A player not only would play the game in anticipation of possibly achieving bonus awards or credits, but would also anticipate multiplying the accumulated bonus awards or credits by the multiplier. Such a modification would promote further game play and increase player excitement.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (US 6,585,591).

Claims 8-11: Baerlocher discloses that the triggering event comprises of a combination of symbols, wherein the combination triggers the bonus game. The bonus game is not initiated or does not randomly select the award until the player selects the start button, which is interpreted as receiving a signal upon the occurrence of or identifying of a special bonus trigger combination. However, Baerlocher discloses that any triggering event other than depressing the start button via a touch screen can be used to initiate the cpu to randomly select the bonus value (Col. 6:24-30, Col. 9:35-47). Also, Baerlocher discloses providing a means wherein the player appears to have control

over the position/value selection (Col. 3:50-2). Baerlocher excludes the player selecting one or more bonus trigger symbols to initiate the random selection of the bonus values, wherein the symbol is used to indicate the selected bonus value. However, Applicant fails to disclose a particular purpose or advantage of providing such a means. Furthermore, it appears that applicant's invention and/or Baerlocher's invention would perform equally well regardless of the way the random bonus value selection is initiated or indicated. Therefore, it would have been prima facie obvious to modify Baerlocher to obtain the invention as specified in Claims 8-9 & 11 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Baerlocher.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (US 6,585,591) in view of Bennett (6,251,013).

Claims 12-13: Baerlocher et al teaches all the above limitations of Claim 1, but excludes the teaching of re-spinning a column containing special bonus symbols. Bennett (6,251,013) discloses randomly selecting special bonus symbols, and re-spinning the associated column to get a different award outcome (Col. 2:27-32; Col. 5:34-44). Baerlocher discloses that to increase player enjoyment and excitement, it is desirable to provide players with gaming devices having new bonus schemes (Col. 2:6-10). Bennett teaches that regular players tend to get tired of particular games and it is necessary for game manufacturers to develop innovative game features that add interest to games. Devising such popular games would improve sales, retain customers, and attract new customers (Col. 1:10-15 & 32-40). Thus, it would have

been obvious to one of ordinary skill at the time of the invention to modify the game apparatus of Baerlocher such that upon random selection of the special bonus symbols the associated column is re-spun, as taught by Bennett (6,251,013), creating new and random outcome.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al (US 6,585,591) in view of Locke (US 2003/0022712).

Claims 18-20: Baerlocher et al teaches all the above limitations of Claim 1, but excludes the teaching of pointers for pointing at randomly selected bonus values. Baerlocher discloses that to increase player enjoyment and excitement, it is desirable to provide players with gaming devices having new bonus schemes (Col. 2:6-10). Baerlocher discloses randomly selecting awards by a highlighting means or a box that randomly moves though columns/rows until and award is selected. Baerlocher discloses that a variety of different and suitable lighting or highlighting mechanisms can be used to indicate selected bonus awards (Col. 7:64-Col. 8:5). Baerlocher further discloses that the awards can be displayed at all times or during certain sequences (Col. 3:38-42). Locke teaches a gaming apparatus that comprises of displaying an array of symbols (Figs. 1, 3), wherein upon a triggering event a bonus feature is enabled and the processor displays values in at least some of the symbol positions (Abstract, ¶ 4;Fig. 4). The game randomly selects at least one of the values and awards a player a bonus based on the selected award (as the roaming symbol/arrow moves to respective symbols the player is granted an award based on each symbol). As the roaming feature is enabled an arrow moves through random symbols and awards the

player a bonus value based on the location of the arrow. The arrow moves from column to column or row to row and converts the symbol it is currently position at into an arrow. Some of the said values are multiplies (Figs. 4-9, (¶ 4, 20)). It would have been obvious to one of ordinary skill at the time of the invention to modify the value indicating means of Baerlocher with the arrow pointing indicating means of Locke, for purposes of providing an alternative means to randomly select the bonus values. Such a modification would provide a different look or feel to the game. Thus, increasing player interest by providing a new aspect to the bonus game (new bonus scheme).

Response to Arguments

Applicant's arguments with respect to Claims 1-20 & 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baerlocher (US 6,776,711) discloses a bonus game that displays the awards to the player prior to randomly selecting the awards, wherein the awards include multipliers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

2/23/07

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER